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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,238	12/30/2003	Jang-Don Choi	11038-120-999	9679
24341	7590	06/01/2005	EXAMINER	
MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306			DUNWIDDIE, MEGHAN K	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8M

Office Action Summary

Application No.

10/749,238

Applicant(s)

CHOI, JANG-DON

Examiner

Meghan K. Dunwiddie

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/30/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This Office Action is a Non-Final Rejection in response to the application filed on December 30, 2003 by **Choi**.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) in submitted on December 30, 2003 is in compliance with the provisions of 37 CFR 1.97, and accordingly, has been considered by the examiner.

Claim Objections

3. Claim 4 is objected to because of the following informalities: in line 33 the term "fays" should be "rays". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kobayashi et al.** (US 2001/0019482) in view of **Neumann et al.** (US 5,047,902).

6. Regarding Claim 1, **Kobayashi et al.** shows an infrared ray irradiation apparatus [See page 1 paragraph [0005]] for a night vision system apparatus [See page 2 paragraph [0034] referring to Figure 1], comprising:

- A lamp [Figure 1: (10A)]
- A rectilinear actuator [Figure 14: (50)]
- A tube [Figure 6: (30)] made of a transparent material [See page 4 paragraph [0051]]
- A reflector [Figure 3: (16)] surrounding said tube [Figure 6: (30)] from one end of said tube [Figure 6: (30)] along a rectilinear direction in which said lamp [Figure 1: (10A)] is inserted into said tube [Figure 6: (30)];
- And an infrared ray transmitting filter [Figure 13: (28)] installed at a designated portion of said tube [Figure 6: (30)] for shielding said lamp [Figure 1: (10A)] from said reflector [Figure 3: (16)].

7. **Kobayashi et al.** does not show:

- Rectilinearly moving said lamp.

8. **Neumann et al.** teaches:

- Rectilinearly moving said lamp [See column 3 lines 2-5].

It would have been obvious for one of ordinary skill in the art, at the time of the invention, to make the lamp movable for the purpose and advantage of producing an optimal and varying light distribution for different road and weather conditions.

9. Regarding Claim 2, **Kobayashi** et al. shows:

- Infrared ray transmitting filter [Figure 13: (28)] is installed at a position of said tube [Figure 6: (30)], in which rays from said lamp [Figure 1: (10A)] irradiated toward a central portion of said reflector [Figure 3: (16)] are passed through.

10. **Kobayashi** et al. does not show:

- Rectilinearly moving said lamp.

11. **Neumann** et al. teaches:

- Rectilinearly moving said lamp [See column 3 lines 2-5].

It would have been obvious for one of ordinary skill in the art, at the time of the invention, to make the lamp movable for the purpose and advantage of producing an optimal and varying light distribution for different road and weather conditions.

12. Regarding Claim 3, **Kobayashi** et al. shows:

- Infrared ray transmitting filter [Figure 13: (28)] is in a ring shape installed at a contact portion [See Figure 13] between said reflector [Figure 3: (16)] and said

tube [Figure 6: (30)] so that said tube [Figure 6: (30)] is surrounded by said infrared ray transmitting filter [Figure 13: (28)].

13. **Kobayashi et al.** does not show:

- Rectilinearly moving said lamp.

14. **Neumann et al.** teaches:

- Rectilinearly moving said lamp [See column 3 lines 2-5].

It would have been obvious for one of ordinary skill in the art, at the time of the invention, to make the lamp movable for the purpose and advantage of producing an optimal and varying light distribution for different road and weather conditions.

15. Regarding Claim 4, **Kobayashi et al.** shows an infrared ray irradiation apparatus [See page 1 paragraph [0005]] for a night vision system apparatus [See page 2 paragraph [0034] referring to Figure 1], comprising:

- A lamp [Figure 1: (10A)];
- A rectilinear actuator [Figure 14: (50)]
- A tube [Figure 6: (30)] made of a transparent material [See page 4 paragraph [0051]]

- A reflector [Figure 3: (16)] surrounding the tube [Figure 6: (30)] from one end of said tube [Figure 6: (30)] along a rectilinear direction in which said lamp [Figure 1: (10A)] is inserted into said tube [Figure 6: (30)],
- Wherein said reflector [Figure 3: (16)] includes an infrared ray reflecting filter [Figure 13: (28)] installed at a designated position [See Figure 13] for allowing visible rays to pass through [See page 6 paragraph [0089] referring to Figure 14] and reflecting infrared rays [See page 6 paragraph [0079] referring to Figure 12].

16. **Kobayashi** et al. does not show:

- Rectilinearly moving said lamp.

17. **Neumann** et al. teaches:

- Rectilinearly moving said lamp [See column 3 lines 2-5].

It would have been obvious for one of ordinary skill in the art, at the time of the invention, to make the lamp movable for the purpose and advantage of producing an optimal and varying light distribution for different road and weather conditions.

18. Regarding Claim 5, **Kobayashi** et al. shows:

- Infrared ray reflecting filter [Figure 13: (28)] is installed at a central portion [See Figure 13] of said reflector [Figure 3: (16)] so that said tube [Figure 6: (30)] is surrounded by said infrared ray reflecting filter [Figure 13: (28)].

19. **Kobayashi** et al. does not show:

- Rectilinearly moving said lamp.

20. **Neumann** et al. teaches:

- Rectilinearly moving said lamp [See column 3 lines 2-5].

It would have been obvious for one of ordinary skill in the art, at the time of the invention, to make the lamp movable for the purpose and advantage of producing an optimal and varying light distribution for different road and weather conditions.

Conclusion

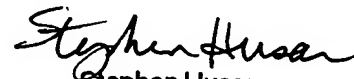
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571) 272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKD


Stephen Husar
Primary Examiner